

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Media Bureau Seeks Comment on Petition)	
For Rulemaking Seeking to Allow the Sole Use)	MB Docket No. 16-410
Of Internet Sources for FCC EEO Recruitment)	
Requirements)	
)	

To: Media Bureau

Comments of Morgan Murphy Media

Morgan Murphy Media (“Morgan Murphy”),¹ by counsel, submits these comments in response to the Media Bureau’s (“Bureau”) Public Notice² regarding a petition (“Petition”) filed on December 12, 2016 by Sun Valley Radio Inc. and Canyon Media Corporation (“Petitioners”). The Petitioners ask the Federal Communications Commission (“Commission”) to initiate a rulemaking proceeding to modify the Commission’s Equal Employment Opportunity (“EEO”) requirements to allow broadcasters, if they choose, to rely on Internet recruitment sources and on-air advertising to satisfy the Commission’s outreach policies. Morgan Murphy supports this proposal, not because Morgan Murphy intends to curtail its current broad dissemination of information about job openings, but because the EEO rules should be modernized to reflect the Internet’s dominant role in today’s employment marketplace and to cull an unnecessary and outdated regulation.

¹ Evening Telegram Company d/b/a Morgan Murphy Media files these comments on behalf of the following direct or indirect subsidiaries: Television Wisconsin, Inc. (WISC-TV, Madison, WI), QueenB Radio Wisconsin, Inc. (WPVL[AM] & WPVL-FM, Platteville, WI; WGLR[AM] & WGLR-FM, Lancaster, WI; KIYX-FM, Sageville, IA), Spokane Television, Inc. (KXLY-TV, Spokane, WA); QueenB Radio, Inc. (KZZU-FM, Spokane, WA; KEZE-FM, Spokane, WA, KXLY[AM] & KXLY-FM, Spokane WA; KHTQ [FM], Hayden, ID; KVNI [AM], Coeur d’Alene, ID; KXLX[AM], Airway Heights, WA), Apple Valley Broadcasting, Inc. (KAPP[TV], Yakima, WA, and satellite station KVEW[TV], Kennewick, WA), and QueenB Television, LLC (WKBT[TV], La Crosse, WI).

² Public Notice, *Media Bureau Seeks Comment on Petition for Rulemaking Seeking to Allow the Sole Use of Internet Sources for FCC EEO Recruitment Requirements*, MB Docket No. 16-410, DA 16-1391 (re. Dec. 15, 2016) (“Public Notice”).

Background

For more than 70 years, Morgan Murphy has employed many talented individuals to help our broadcast stations provide award-winning local news, programming and information to communities in small- and medium-sized markets in Washington, Wisconsin, Idaho and Iowa. Morgan Murphy takes great pride in its people, and the company consistently has cast a wide search to find employees who can help continue the tradition of excellence in this family-owned company.

Morgan Murphy's practices have been shaped in part by the Commission's EEO rules, which require station employment units to "use recruitment sources for each vacancy sufficient in its reasonable good-faith judgment to widely disseminate information concerning the vacancy."³ At present, the rule does not authorize the use of the Internet as a sole recruitment source. To the contrary, in its 2002 decision that modified the EEO rules, the Commission determined that it would be "premature to recognize the Internet as a sole recruitment course" but that "we would monitor the development of the Internet as a recruitment tool."⁴ At that time, the Commission said that it would revisit the issue

based on petitions demonstrating that Internet job banks (1) are well established and provides comprehensive statewide job listings; (2) are sufficiently publicized throughout the community; (3) are available to stations that are not members of the association sponsoring the Internet job bank to list their job vacancies; and (4) that computer access has become sufficiently universal so that it could be reliably assumed that an Internet job posting will be readily available to all segments of the community. Finally, we said we would review the extent to which applicants are applying for jobs as a result of web postings, whether and why any segment of the community is having particular difficulty in gaining access to such postings, and methods by which the petitioner would reach that segment of the population.⁵

³ 47 CFR § 73.2080(c)(1)(i).

⁴ *Review of the Commission's Broadcast and Cable Equal Employment Opportunity Rules and Policies*, Second Report and Order and Third Notice of Proposed Rule Making, MM Docket No. 98-204, 17 FCC Rcd 24018, 24050 (2002), *recon. pending*.

⁵ *Id.*

To read the quoted paragraph through lens of today's experience – likely via an Internet connection – reveals that the Commission's concerns in 2002 seem antiquated given today's widespread broadband deployment and the robust Internet of things. The "job banks" of 2002 are now a vibrant, well-established ecosystem with a variety of websites, social media outlets and other Internet-based tools for job seekers. Accordingly the Petition is timely, and the time is right to revisit a rule change to allow broadcasters to rely on the Internet for outreach.

THE COMMISSION SHOULD ADOPT PETITIONERS' PROPOSAL

Morgan Murphy urges the Commission to update the EEO rules and to grant broadcasters sufficient flexibility to use the Internet to direct scarce resources to effectively direct broad outreach.

Job Seekers Increasingly Turn to the Internet to Find Their Next Job

In 2002, the Commission grounded its concerns about limited Internet access to a series of National Telecommunications and Information Administration ("NTIA") studies that found that barely 50% of U.S. households had an Internet connection. Yet the last 15 years have brought dramatic changes in connectivity, not just in terms of average speeds but in terms of the number and type of connections available to consumers. The Commission reports that based on Form 477 data, the total number of fixed and mobile Internet connections in the United States was 355.2 million as of December 2015.⁶ Of those, more than 94 percent of the 102.2 million fixed connections are reported to have Internet access with downstream speeds of at least 3 Mbps. The Commission reports that 93 million connections are residential fixed Internet access, while 210 million are residential mobile wireless connections on devices with data plans for full Internet access. In short, broadband connectivity is widely available either at home or in public

⁶ Internet Access Services: Status as of December 31, 2015, Industry Analysis and Technology Division, Wireline Competition Bureau, November 2016 at 2.

places – a connectivity that simply did not exist when the Commission revised the EEO rule in 2002. Accordingly, computer access, including via smartphones, is now “sufficiently universal” in the manner that the Commission contemplated in 2002.

Expanded connectivity has resulted in enhanced opportunities for job seekers, and Internet job resources have largely supplanted more traditional methods like newspapers. The Pew Research Center recently described the Internet as “an essential employment resource for many of today’s job seekers.”⁷ In a November 2015 Report entitled “Searching for Work in the Digital Era,” the Center found that among Americans who looked for work in the previous two years, 79 percent used online resources in their most recent job search and roughly one-third of those job seekers said that the Internet was the most important tool available to them.⁸ Websites such as CareerBuilder, Indeed, LinkedIn and Monster are well-established recruiting options, and many stations also post job announcements on their websites. Internet distribution and wide dissemination of content go hand in hand.

Morgan Murphy also has seen dramatic changes in the ways it finds new talent in the workforce in the 15 years since the EEO rule was modified. Based on Morgan Murphy’s recent experience, the vast majority of job seekers apply for positions at the company via Internet connects through computers and smart devices. For example, among Morgan Murphy stations:

- One television station reports that last year the station conducted 65 interviews for 17 job openings and 63% of those interviews stemmed from one of nine online/social media sources. In terms of positions filled, 52% of the hires resulted from these Internet sources.

⁷ <http://www.pewinternet.org/2015/11/19/searching-for-work-in-the-digital-era/>

⁸ “Searching for Work in the Digital Era,” Pew Research Center (rel. Nov. 19, 2015).

- Another television station filled 16 job vacancies from a pool of 88 people, of whom nearly 90% found the vacancy from Internet job boards, from the station's website or from direct outreach to candidates, while the remaining applicants were contacted through other recruitment sources such as colleges or social media or other sources.
- For one station employment unit, eight recent vacancies were filled from a total of 176 applicants, of which 152 (approximately 86%) applied through an online job service, a station website or another website.
- Finally, another television station reports that in the year ending July 31, 2016, 11 full-time positions were filled from 50 interviewees, of which 31 came from online resources.

In short, applicants have obtained jobs at various Morgan Murphy Media through a variety of means, but use of the Internet is common in obtaining interviews and job offers at the company – another justification for relaxing the current EEO rule.

Grant of the Proposal Would Give Broadcasters Flexibility Yet Still Promote the Commission's Outreach Objectives for the EEO Rule.

In Morgan Murphy's view, adoption of the proposal would not only assure that the EEO rules reflect today's talent marketplace, but the proposal also would give broadcasters the flexibility to more efficiently target their recruitment efforts and scarce resources. Such efficiencies are important for smaller broadcasters like Morgan Murphy, which takes great pride in its award-winning news operations, its local programming and in its commitment to public service. Free, over-the-air broadcasting remains a critical source of news, information and public service programming. The company's five television stations are affiliated with two of the largest national broadcast networks, but these stations (one of which is a satellite station) have

produced in the last year in total an average of more than 88 hours per week of local news and other local programming. Nevertheless, quality programming is increasingly expensive to produce, so local broadcasters are under increasing pressure to make effective and efficient use of their resources. Accordingly, modernization of the EEO rule would help further this objective.

Conclusion

In Morgan Murphy's view, use of its airwaves, coupled with the use of widespread and readily available Internet services, provides just the kind of potential for broad dissemination of recruiting information that the rules contemplate. For the above-stated reasons, Morgan Murphy urges the Commission to adopt the Petition. The EEO rules should be updated to allow broadcasters to satisfy the EEO rule's requirements of wide dissemination of information about job vacancies by relying solely on the Internet and on the station's on-air programming.

Respectfully submitted,

Morgan Murphy Media

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